

### **REMARKS**

Claims 3, 4 and 6-8 are pending in the present application. By virtue of this response, Claims 3, 4 and 6-8 have been amended. Accordingly, Claims 3, 4, and 6-8 are currently under consideration. Amendment or cancellation of claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added. The Examiner's Interview Summary is correct. No matters of substance were discussed.

### **Rejections**

Claim 6 was objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 8 was objected to because the phrase "any of" in line 2 appears to have been inadvertently kept in. The Examiner suggested deleting this phrase.

Responsive to the objection to Claim 6, Claim 6 has been amended and as amended reads on the specification page 7, lines 18-22, where it is pointed that the light-detecting element is arranged in such a fashion as not to intercept emitted light. The light-detecting element may be arranged inside a recess formed in the insulating substrate, for example. Thus Claim 6 is in conformance with the specification and no longer can even be considered to be of improper dependent form.

Claim 8 has been amended to eliminate the phrase "any of" and also to clarify the claim. Since the Examiner made no other objection to Claim 8 it is understood that the form of Claim 8 in terms of its dependency is considered appropriate.

Further, Claims 3, 4, 7 and 8 have been amended to improve grammar and expression. These amendments are not for reasons of patentability, and are not intended to narrow the claims. For instance, Claim 6 has been amended to eliminate the reference to "the three light-emitting chips are arranged on a substrate" since this is believed redundant to base Claim 7.

Further in Claim 7 each of the clauses have been amended, for instance the first clause instead of reciting as before “for emitting light” now recites “configured to emit light”. The remaining clauses of Claim 7 have been similarly amended.

Claims 3, 4 and 6-8 stand rejected under 35 U.S.C. §103(a) as unpatentable over Marshall (US 6,741,351 B2) and Pashley (US 6,127,783) in view of Null (US 6,888,323 B1).

Claims 3, 4 and 6-8 stand rejected under 35 U.S.C. §103(a) as unpatentable over Tamanti (US 6,157,453) in view of Berstis (US 6,674,530 B2).

The §103 rejection citing Marshall in combination with Pashley and Null is traversed. The Examiner stated in pertinent part at page 4 beginning second paragraph of the rejection:

Neither Marshall nor Pashley specifically disclose the detection of external light during a timeframe where none of the light emitting elements emit light, and then adjusting the drive currents in response to the signal.

Null teaches the practice of detecting external light incident into the light detecting element when none of the light emitting elements are emitting light (col. 5, lines 10-14). In this control manner, energy is saved since the light is only turned on as needed, that is, when the room becomes dark.

The Examiner thereby makes it clear why in fact Null, even in combination with the other references, fails to meet Claim 7. It is clear that the light-sensor disclosed in Null is configured to sense light for turning Null’s night light on or off and not for adjusting the current applied to each of the light emitting elements, as recited in Claim 7. Thus even the combination of Marshall, Pashley and Null fails to meet Claim 7. To better clarify Claim 7, Claim 7 has been amended in line 14 to recite “analyze the detection signals and adjust from a first to a second non-zero value the current applied to the light-emitting chips;” (emphasis added). Clearly even if one regards Null turning the night light’s current on and off as being a current adjustment, this is not the same as adjusting the current “from a first to a second non-zero value” in accordance with present Claim 7.

A further distinction in accordance with the present invention is that in Null the light sensor detects the ambient light only for turning the night light on or off. Therefore, Null clearly lacks the element of Claim 7 “a light intensity adjustment portion configured to serially receive detection signals from the light-detecting element as to correspond to an intensity of incident light, analyze the detection signals and adjust from a first to a second non-zero value the current applied to the light-emitting chips so that a predetermined color can be generated;”. That is, Null fails to use the light sensor to adjust color balance. Hence even the combination of Null with Marshall and Pashley fails to meet Claim 7 for this additional reason.

Thus Claim 7 distinguishes over Marshall and Pashley in combination with Null and this rejection should be withdrawn.

Claim 7 also stands rejected under §103 as unpatentable over Tamanti and Berstis. The Examiner stated in pertinent part beginning on page 6 of the rejection:

Tamanti does not specifically disclose the detection of external light during a time frame when none of the light emitting elements emit light, and then adjusting the drive currents in response to the signal.

Berstis teaches an RGB device with serial illumination and detection of each light emitting element (Fig. 2A and 2B; col. 4, lines 52-62). Berstis further teaches the practice of measuring the color balance of ambient light...for adjusting the drive current of the light emitting elements...when the measurement necessarily takes place while the light emitting elements are not emitting light.

This rejection is also traversed because, it is respectfully submitted, in fact Berstis fails to meet this particular feature. Instead Berstis discloses “The ambient white light balance may have to be measured to correct for uneven spectrums of light sources. This can be accomplished by placing sensors on the side of a colorimeter 100 to measure ambient white light, while the color sensors 110-112 simultaneously measure RGB in the forward direction.” See Berstis column 3, lines 13-17. Thus Berstis requires that the ambient light be measured simultaneous with measurement of the color balance. Hence Berstis fails to meet the recitation in Claim 7, final clause “the light emission control portion is configured to allow the light-detecting element to detect

external light incident on the light-detecting element in a time in which none of the light-emitting chips emit light,” (emphasis added). Instead as pointed out above, Berstis teaches measuring ambient light while the color sensor simultaneously measures the RGB light balance.

Further, Claim 7 additionally distinguishes over Berstis because Berstis fails to teach or suggest current adjustment in response to the ambient light as recited in Claim 7, final clause “the light intensity adjustment portion is configured to adjust the current applied to each of the light-emitting chips by use of the detection signals based on the detected external light.” Hence for this additional reason Claim 7 distinguishes over Berstis, even in combination with Tamanti. Thus this second §103 rejection should also be withdrawn, since even the combination fails to meet Claim 7.

Dependent Claims 3, 4, 6 and 8 are allowable for at least the same reason as base Claim 7.

### CONCLUSION

In view of the above, all pending claims in this application are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone interview would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket Number 259052004200.

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Respectfully submitted,

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